

Message Text

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PAGE 01 GENEVA 06366 281327Z
ACTION L-03

INFO OCT-01 ARA-14 NEA-10 IO-14 ISO-00 EB-08 SEC-01
JUSE-00 TRSE-00 SSO-00 NSCE-00 INRE-00 PM-05
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FM USMISSION GENEVA
TO SECSTATE WASHDC IMMEDIATE 9756
INFO AMEMBASSY ALGIERS IMMEDIATE
AMEMBASSY CARACAS IMMEDIATE
AMEMBASSY MEXICO IMMEDIATE
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E.O. 11652: N/A
TAGS: ECOSOC, EGEN, UN
SUBJECT: 63RD ECOSOC: ILLICIT PAYMENTS

TRANSMITTED BELOW IS TEXT OF G-77 COUNTER PROPOSAL
ON ILLICIT PAYMENTS. G-77 WISHES TO NEGOTIATE WITH
US DEL TODAY. OUR INFORMATION IS THAT THE COUNTER
PROPOSAL WAS PRODUCED BY THE DELEGATIONS OF MEXICO,
ALGERIA AND VENEZUELA.

BEGIN TEXT
THE ECONOMIC AND SOCIAL COUNCIL,

RECALLING GENERAL ASSEMBLY RESOLUTION 3514 (XXX) WHICH INTER
ALIA CONDEMNED ALL CORRUPT PRACTICES, INCLUDING BRIBERY BY
TRANSNATIONAL CORPORATIONS AND OTHER CORPORATIONS, INTERMEDIARIES
AND OTHERS INVOLVED, AND URGED THE ECONOMIC AND SOCIAL COUNCIL
TO INSTRUCT THE COMMISSION ON TRANSNATIONAL CORPORATIONS TO
INCLUDE IN ITS PROGRAMME OF WORK THE QUESTION OF THE CORRUPT
PRACTICES OF THE TRANSNATIONAL CORPORATIONS AND TO MAKE RECOMMEN-
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PAGE 02 GENEVA 06366 281327Z

DATIONS ON THE MEANS TO BE USED TO PREVENT EFFECTIVELY SUCH CORRUPT
PRACTICES.

RECALLING FURTHER COUNCIL RESOLUTION 2041 (LXI), WHICH
ESTABLISHED AN AD HOC INTERGOVERNMENTAL WORKING GROUP TO CONDUCT
AN EXAMINATION OF THE PROBLEM OF CORRUPT PRACTICES, IN PARTICULAR
BRIBERY, IN INTERNATIONAL COMMERCIAL TRANSACTIONS BY TRANSNATIONAL

AND OTHER CORPORATIONS, THEIR INTERMEDIARIES AND OTHERS INVOLVED, TO ELABORATE IN DETAIL THE SCOPE AND CONTENT OF AN INTERNATIONAL AGREEMENT TO PREVENT AND ELIMINATE ILLICIT PAYMENTS, IN WHATEVER FORM, IN CONNECTION WITH INTERNATIONAL COMMERCIAL TRANSACTIONS AS DEFINED BY THE WORKING GROUP, AND TO SUBMIT A REPORT TO THE ECONOMIC AND SOCIAL COUNCIL AT ITS SIXTY-THIRD SESSION. NOTING THAT THE AD HOC INTERGOVERNMENTAL WORKING GROUP HAS SUBMITTED RECOMMENDATIONS IN ITS REPORT TO THE SIXTY THIRD SESSION OF THE ECONOMIC AND SOCIAL COUNCIL, IN VIEW OF THE FACT THAT THE WORKING GROUP HAS NOT COMPLETED ITS TASK AND THEREFORE HAS NOT FULFILLED THE TERMS OF REFERENCE OF RESOLUTION 2041 (LXI).

REAFFIRMING THAT THE ELABORATION OF A CODE OF CONDUCT BY THE COMMISSION ON TRANSNATIONAL CORPORATIONS SHOULD BE GIVEN THE HIGHEST PRIORITY AND THAT THE ELABORATION OF AN INTERNATIONAL AGREEMENT ON ILLICIT PAYMENTS SHOULD IN NO WAY INTERFERE WITH OR DELAY SAID PRIORITY.

CONSIDERING THAT AN INTERNATIONAL AGREEMENT ON CORRUPT PRACTICES INCLUDING ILLICIT PAYMENTS, MUST BE LINKED WITH THE CODE OF CONDUCT TO BE ELABORATED BY THE COMMISSION ON TRANSNATIONAL CORPORATIONS.

REAFFIRMING THAT THE INTERNATIONAL RULES WHICH SHOULD BE ADOPTED ON CORRUPT PRACTICES, INCLUDING ILLICIT PAYMENTS CONSTITUTE ONLY ONE NECESSARY ELEMENT IN THE URGENT GLOBAL REGULATIONS GOVERNING THE ACTIVITIES OF TRANSNATIONAL CORPORATIONS WHICH THE INTERNA-
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PAGE 03 GENEVA 06366 281327Z

TIONAL COMMUNITY IS EMBARKED UPON THROUGH THE ELABORATION OF AN INTERNATIONAL CODE OF CONDUCT.

1. DECIDES:

A) TO EXTEND THE TERMS OF REFERENCE OF THE AD HOC INTERGOVERNMENTAL WORKING GROUP SO THAT IT MAY COMPLETE ITS TASK.
B) THAT THE AD HOC INTERGOVERNMENTAL WORKING GROUP SHALL HENCEFORTH BE COMPOSED BY

C) THAT THE AD HOC INTERGOVERNMENTAL WORKING GROUP SHALL MEET AS OFTEN AS NECESSARY TO COMPLETE ITS TASK.

D) THAT THE AD HOC INTERGOVERNMENTAL WORKING GROUP REPORT ON ITS TASKS TO THE COMMISSION ON TRANSNATIONAL CORPORATIONS AT ITS FOURTH SESSION.

E) THAT THE COMMISSION ON TRANSNATIONAL CORPORATIONS REPORT AND MAKE THE NECESSARY RECOMMENDATIONS TO THE ECONOMIC AND SOCIAL COUNCIL AT ITS SIXTY-FIFTH SESSION, ACCORDING TO GENERAL ASSEMBLY RESOLUTION 3514(XXX).

2. RECOMMENDS THE GENERAL ASSEMBLY EXAMINE, WHEN IT DEEMS IT APPROPRIATE, AND IN THE LIGHT OF PROGRESS TOWARD THE CONCLUSION OF

A CODE OF CONDUCT, THE QUESTION OF THE CONVENING OF A PLENIPOTENTIARY
CONFERENCE IN ORDER TO CONCLUDE AN INTERNATIONAL AGREEMENT T PREVENT
AND ELIMINATE CORRUPT PRACTICES INCLUDING ILLICIT PAYMENTS, IN
WHATEVER FORM, IN CONNECTION WITH INTERNATIONAL COMMERCIAL
TRANSACTIONS.
END TEXT
VANDEN HEUVEL

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